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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

MIKE GLEASON, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

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Arizona Corporation Commission

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IN THE MATTER OF THE APPLICATION OF
NEW RIVER UTILITY COMPANY FOR AN
EXTENSION OF ITS EXISTING CERTIFICATE
OF CONVENIENCE AND NECESSITY.

DOCKET NO. W-01737A-06-0171

PROCEDURAL ORDER

BY THE COMMISSION:

On March 16, 2006, New River Utility Company ("New River" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for an extension of its Certificate of Convenience and Necessity ("Certificate" or "CC&N").

On April 11, 2006, the Commission's Utilities Division ("Staff") filed an Insufficiency Letter indicating that New River's application had not met the sufficiency requirements of the Arizona Administrative Code ("A.A.C.").

On May 26, 2006, New River filed additional information in support of its application.

On June 20, 2006, Staff filed its second Insufficiency Letter in this matter.

On July 6, 2006, New River filed additional information in support of its application.

On August 1, 2006, Staff filed its third Insufficiency Letter in this docket.

On August 24, 2006, New River filed amendments to its application.

On September 8, New River filed additional information in support of its application.

On October 6, 2006, the Commission's Utilities Division ("Staff") filed a Sufficiency Letter in this docket indicating that the application has met the Commission's sufficiency requirements.

On October 13, 2006, by Procedural Order, filing deadlines were set and the hearing in this matter was scheduled to commence on December 21, 2006 at 10:00 a.m.

On October 23, 2006, an Amended Procedural Order was issued correcting the Applicant's name.

1 On November 15, 2006, the parties filed a Proposed Stipulation requesting that the hearing
2 date be reset due to witness unavailability, and subsequently by Procedural Order the hearing was
3 rescheduled to commence on January 9, 2007.

4 On November 20, 2006, Staff filed its Staff Report recommending approval of New River's
5 application subject to compliance with certain conditions.

6 On November 22, 2006, New River filed its Notice of Filing Certification of Publication and
7 Proof of Mailing.

8 On November 27, 2006, the parties initiated a telephonic conference with the Hearing
9 Division to discuss further scheduling conflicts.

10 On November 28, 2006, by Procedural Order the hearing in the matter was rescheduled to
11 begin on January 22, 2007.

12 On December 21, 2006, public comments were taken in this matter.

13 On January 22, 2007, a full public hearing was held before a duly authorized Administrative
14 Law Judge of the Commission at its offices in Phoenix, Arizona. New River and Staff appeared
15 through counsel at the hearing and presented evidence and testimony. No members of the public
16 appeared to give public comment.

17 On February 5, 2007, New River filed a Notice of Filing Late-Filed Exhibit. In its exhibit
18 New River asserts, among other things, that although it serves a portion of Section 26 of Township 4
19 North, Range 1 East, it does not need a Certificate of Assured Water Supply ("CAWS") for the area
20 because the Commission's grant of New River's CC&N to serve the area was not conditioned on
21 New River acquiring a CAWS. Further, New River states that because the "water being used in
22 Section 26 is limited to commercial and industrial customers - entities that are not required to obtain a
23 CAWS because the property was not subdivided."

24 As of the filing of this Procedural Order, Staff has not filed a response to New River's late-
25 filed exhibit.

26 IT IS THEREFORE ORDERED that **Staff shall file, on or before April 5, 2007, a response**
27 **to New River's late-filed exhibit addressing the CAWS issue for Section 26, as well as each of**
28 **the other issues raised in New River's late-filed exhibit.**

1 IT IS FURTHER ORDERED that the timeclock in this matter is hereby extended accordingly.

2 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 – Unauthorized
3 Communications) applies to this proceeding as the matter is now set for public hearing.

4 IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter,
5 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by
6 ruling at hearing.

7 Dated this 22nd day of March, 2007.


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9 
10 YVETTE B. KINSEY
11 ADMINISTRATIVE LAW JUDGE

12 Copies of the foregoing mailed/delivered
this 22nd day of March, 2007 to:

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23 By: 
24 Debbi Person
25 Secretary to Yvette B. Kinsey
26
27
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